

### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks.

By this amendment, claim 28 has been amended. Therefore, claims 24-28 are pending.

Claims 24-27 have been allowed.

Claim 28 has been rejected under 35 U.S.C. § 112, first paragraph, as not being enabled.

This rejection is traversed and is inapplicable to claim 28 as amended for the following reasons.

The Examiner indicates that the “disclosed arrangement for recording picture signals (e.g. Specification page 38, lines 5-9) does not disclose the claimed computer readable medium having the recited functional descriptive material.” The Examiner correctly notes that “a disclosure of a computer-readable medium having picture signals recorded thereupon, absent a particular data structure functionality, is an example of non-statutory non-functional descriptive material.”

However, the present application discloses specific details of embodiments of apparatuses and methods for the generation of the coded bit stream having the inventive data structure (including the random access unit and parameter set, etc.) and the outputting of the generated coded bit stream. See, e.g., page 17, line 17 to page 18, line 5. The present application further discloses that “Such bit stream is recorded in a recording medium...” See the paragraph beginning on page 11, line 3, and the paragraph beginning on page 12, line 23.

Accordingly, it is submitted that the Specification is enabling for a person having ordinary skill in the art to be able to generate the bit stream having the inventive data structure in accordance with the disclosed methods and apparatuses, and to record such generated bit streams having the inventive data structure in a computer-readable recording medium.

Moreover, claim 28 has been amended to recite that the recording medium is readable by a decoding apparatus and has a coded stream recorded thereon, that the coded stream on the recording medium is decodable by the decoding apparatus, and that the coded parameter set, which is included in the data structure on the recording medium, is used by the decoding apparatus for decoding a succeeding picture located after the first I- picture and is not used for decoding the first I-picture. Support for the amended claim 28 is found on at least pages 10, 11, and 38, which clearly disclose that the data structure of the present invention is recorded on a recording medium that is readable by

a decoding apparatus and clearly disclose the operable relationship between the data structure and the decoding apparatus. Accordingly, claim 28 is enabled by the Specification under 35 U.S.C. § 112, first paragraph, and is directed to statutory subject matter under 35 U.S.C. § 101.

In view of the above, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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